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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,403	01/09/2002	Glenn C. Godoy	END920010097US1	9024
7590 07/31/2008 John R. Pivnichny, Ph.D. IBM Corporation, N50/040-4 1701 North Street Endicott, NY 13760				
EXAMINER NGUYEN, CAM LINH T				
ART UNIT 2161		PAPER NUMBER		
MAIL DATE 07/31/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/042,403

Applicant(s)

GODOY ET AL.

Examiner

CAM-LINH NGUYEN

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 06/23/2008 has been entered.
2. Applicant's amendments to claims 1 – 19 are acknowledged. Consequently, claims 10 – 19 have been cancelled. Claims 1 – 9 are currently pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 – 3, 6 - 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iyengar et al (U.S. 6,018,627) in view of Kirit Talatik (U.S. 5,873,094).

♦ As per claim 1,

Iyengar discloses a method of updating business control data comprising:

- "Developing a model of business rules spanning a plurality of applications and building said rules into a common database using a common data administration application"

See Fig. 1 and 7, col. 3, lines 64 - 65, col. 4, lines 27 - 33. In particular:

- o A "common database" corresponds to the "repository 20" that stored business information or enterprise modeling.
- o "A common data administration application" corresponds to the application that creates the business application such as in Fig. 2 – 9.
- o "Business rules" corresponds to the "business modeling" (col. 8, lines 45 - 49). Business rules are derived from the legacy item which including pre-existed applications (col. 3, lines 58 - 63). This includes the meaning of "spanning plurality of application". And the repository stores all business rules and relationship between them (col. 4, lines 28 - 33). This data corresponds to the common data between applications.
- "Entering business control data into said common database using said common data administration application" See Fig. 7 - 9, col. 9, lines 23 - 48. "Business control data" corresponds to the "business logic data".

- "Disseminating to a plurality of applications, respective portions of said business control data according to said business rules" col. 3, lines 1 - 2, col. 12, lines 35 - 51.

Iyengar does not clearly teach that the "model having a data structure including a dissemination structure, and disseminating the data based on the dissemination structure". However, this is a well-known technique in the art. Talatik provides an example.

Talatik teaches an invention that "allow the users to create their own application directly from the business model" (col. 23, lines 42 - 45, Talatik). The model consists of plurality of flags (col. 3, lines 48 - 49) including "an instant propagation type flag indicates how to propagate the change of instant" (col. 4, lines 57 - 58 of Talatik). It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Talatik into the invention of Iyengar because both invention were available at the time and the combination would allow the user to have a custom application and also guarantee the integrity of the data when transferring between applications.

♦ As per claim 2,

- "Additional rules different from said business rules ... entering said business control data... database" See col. 27, lines 42 - 46 of Talatik.

♦ As per claims 6 - 7,

"Wherein said business control data is entered into said common database using a common data administration application" See Fig. 2B - 3, col. 7, lines 29 - 43 of Iyengar. "A common data administration application" corresponds to the application window 35.

"Wherein said common data administration application is adapted to receive input from logged on individuals and from an automated feed from a source system" See Fig. 1 of Iyengar. The "legacy integration" corresponds to the source system.

♦ As per claim 3,

- "Plurality of instances" See col. 5, lines 39 – col. 6, lines 2.

♦ As per claims 8 - 9,

"Entering additional rules into said common data administration application" and

"Wherein said business control data is entered into said common database according to said additional rules" See Fig. 4 – 9 of Iyengar.

6. Claims 4 - 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iyengar et al (U.S. 6,018,627) in view of Kirit Talatik (U.S. 5,873,094) further in view of Souder et al (U.S. 5,724,556).

• As per claims 4 - 5,

Iyengar discloses a system for developing business application using the Unified Modeling Language (UML). However, Iyengar/Talatik does not clearly disclose wherein said plurality of instances run on a corresponding plurality of servers located in corresponding geographical locations; wherein said geographical locations are in disparate continents.

Referring to col. 1, lines 21 – 45, Iyengar teaches that each rule or business model can be applied to a particular environment. Iyengar also teaches that the deployment of component over the Internet (col. 11, lines 16 - 46). Clearly, Iyengar implicitly teaches about the uses of plurality

of servers located in disparate continents by using the Internet. Therefore, when building the business rules, the rules must define the dissemination structure.

On the other hand, Souder et al (U.S. 5,724,556) discloses a distributed system that includes a distributed modeler for defining business models wherein the business model comprising business locations and the business functions that occur at each business location (See col. 11, lines 40 - 60, Souder). Souder discloses in Fig. 23 that each location only contains specified modules. The table in Fig. 23 corresponds to the structure in the instance application. The plurality of instance corresponds to the plurality of location in the table. Each instance can be located in different sites (col. 1, lines 29 -42, Souder). It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Souder into the invention of Iyengar/Talatik because the combination would provide more control in accessing data in different nodes or locations (col. 4, lines 13 - 32, Souder).

Response to Arguments

7. Applicant's arguments with respect to claims 1 - 9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272 - 4080. The fax phone number for the organization where this application or proceeding is assigned is 571 - 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/CamLinh Nguyen/
Primary Examiner, Art Unit 2161*